

COUNCIL PRESENT: Bruner, Dunagan, Wangemann, Hamrick, Figueras
STAFF PRESENT: Padgett, Sheppard, Palmour, Felts, Jordan, Grayson

Mayor Bruner called the meeting to order.

The Pledge of Allegiance was recited in unison after which Council Member Wangemann delivered the invocation.

PROCLAMATION:

Constitution Week

Mayor Bruner read a proclamation declaring September 17-23, 2011 to be *Constitution Week*. Helen Powell, Chairman, and Marcie Fletcher, Chapter Regent, received the proclamation on behalf of the National Daughters of the American Revolution.

SPECIAL RECOGNITION:

9 and 10 Year Old Little League All-Star Baseball Team

Team members along with the coaches and parents were in attendance. The baseball team recently won the District League Championship and was State Runner-Up. Parks and Recreation League Manager Beth Morris and Coach Joe Turner commented on the importance of supporting the youth.

RESOLUTION:

Resolution BR-2011-25

Memorandum of Understanding Between Brenau University, Inc. and The City of Gainesville, Georgia

Dr. Schrader introduced himself and those attending with him. He stated Brenau had received positive responses from the community about the proposal that was discussed in Work Session. They were looking at an opportunity to improve the quality of life in the community. He used a power point presentation to supplement the discussion. Notable information was as follows:

- Current enrollment is approximately 2,800 students
- The strategic plan for 2025 is to increase enrollment to 5,000 students
- Allied health programs represent the fastest-growing area at Brenau
- A feasibility study is underway for expansions in rehabilitative services
- Information regarding the "Market" for Brenau graduates
- Part of Brenau's mission is to be a quality of life enhancer
- Mutual benefits include economic impact (currently \$118.2 million), revitalization of the downtown area, growth, new housing, restaurants, renovation and development magnet

Upon inquiry from Mayor Bruner, Mr. Schrader stated there were two evaluations occurring simultaneously. One is the financial review regarding investments into the infrastructure. They are trying to determine if this is the right place geographically and demographically. They are also looking at the academics in terms of quality of faculty to gain accreditation. People are working on both evaluations. They hoped to have preliminary financial and academic

information available by the end of the year. He also hoped to have a formal presentation during the Board of Trustees spring meeting.

Motion to adopt the resolution as presented.

Motion made by Council Member Dunagan
Motion seconded by Council Member Figueras

DISCUSSION:

Council Member Hamrick wondered how this would affect the Townview Project, after meeting with one of the principles of that development, determined this would benefit the project.

Vote – 5 favor

CONSENT AGENDA:

Resolutions:

- A. BR-2011-24R Issuance of Revenue Bonds for IMS Gear Georgia, Inc.
- B. AR-2011-14 Authorization of Purchase of Replacement Paint Striper
- C. PR-2011-29 Purchase of Sewer Cleaning System Machine
- D. PR-2011-30 FY2012 Transmission Main Improvements Award of Contracts
- E. PR-2011-31 FY2010 Road Paving Project Award of Contract

Motion to adopt the resolutions as presented.

Motion made by Council Member Hamrick
Motion seconded by Council Member Figueras
Vote – 5 favor

ALCOHOLIC BEVERAGE LICENSE APPLICATIONS:

Chicopee Woods Golf Course, 2515 Atlanta Highway

City Manager Kip Padgett stated this was a new application for consumption on the premises of beer. The application was in order.

Motion made by Council Member Hamrick
Motion seconded by Council Member Figueras
Vote – 5 favor

Fast & Friendly, 1680 Park Hill Drive

City Manager Kip Padgett stated this was an application for change in the managing agent for the package sale of beer and wine. The application was in order.

Motion made by Council Member Dunagan
Motion seconded by Council Member Wangemann
Vote – 5 favor

APPOINTMENTS:

Building Board of Appeals

- Architect-Alternate Position currently held by Dick Bachman
- Architect-Alternate Position currently held by Jack Bailey
- Architect Position currently held by Donnie Brewster
- Electrical Position currently held by Greg Loyd

Motion to reappoint Dick Bachman, Jack Bailey, Donnie Brewster for another five-year term and to appoint Daniel Caldwell to replace Greg Loyd to serve a five-year term on the Board.

Motion made by Council Member Dunagan
Motion seconded by Council Member Wangemann
Vote – 5 favor

PUBLIC HEARINGS:

Annexation / Zoning Hearings:

City Attorney Palmour reviewed the public hearing process and confirmed the hearings had been properly advertised.

Request from Greg Loyd for a Special Use on a 0.31± acre tract located at north side of the intersection of Thompson Bridge Road and Green Street Circle (a/k/a 1151 Thompson Bridge Road NE), having a zoning classification of Neighborhood Business (N-B). Ward Number: One Tax Parcel Number(s): 01-074-003-00; Request: Dunkin' Donuts restaurant with drive-thru.

Community Development Director Rusty Ligon briefly reviewed the request. The Planning and Appeals Board voted to approve the request with the following eight conditions:

1. No access shall be permitted along Green Street Circle.
2. Any drive-thru speaker shall be located on the south side of the building facing Thompson Bridge Road (S.R. 60) or the intersection of Thompson Bridge Road (S.R. 60) and Green Street Circle.
3. The development shall meet the Gateway Corridor Overlay Zone standards including exterior facade materials which shall include fifty (50) percent brick, stone, or split face block.
4. Due to the orientation of the building, the rear facade facing the intersection of Thompson Bridge Road (S.R. 60) and Green Street Circle shall be improved by having the appearance of a front facade. This may include the addition of windows, doors, roof or other facade treatments as per Community Development Department approval.
5. The proposed dumpster shall be enclosed and shall be constructed of materials architecturally compatible with the proposed restaurant building consisting of brick, stone, or split face block.
6. The existing chain-linked fence shall be removed from the perimeter of the subject property.
7. There shall be no free-standing signs permitted within the subject property excluding incidental directional signage.

8. The applicant shall coordinate with the City of Gainesville Public Works Department, Community Development Department and the Georgia Department of Transportation to incorporate a landscape strip along Green Street Circle and Thompson Bridge Road (S.R. 60) where possible. The proposed landscape strip shall include a mixture of shrubs and groundcover not to exceed 30-inches in height.

Mayor Bruner confirmed the building would have more stone than what was shown in the photograph.

City Attorney Palmour opened the floor for comments.

FAVOR:

Greg Loyd, 742 Main Street, stated he serves as the general contractor and represents the owner, Alvin Gibson. He felt Mr. Ligon had already stated everything about the building and the requirements. He confirmed the building would meet requirements specifically pertaining to signage, flags and banners. He agreed with the conditions.

There being no other comments, City Attorney Palmour closed the hearing and returned the matter to Council for a decision.

Motion to adopt Resolution ZR-2011-03 allowing a Special Use on a 0.31± acres tract at 1151 Thompson Bridge Road NE for a Dunkin' Donuts restaurant with a drive-thru in a Neighborhood Business (N-B) zoning district with conditions.

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

Vote – 5 favor

Request from Steve Hamby to annex a 2.137± acres tract located on the north side of Industrial Drive at its terminus (a/k/a 2093 Industrial Drive) and to establish zoning as Light Industrial (L-I). Ward: Four; Tax Parcel Number(s): 08-007-003-012 (part); Request: Sewer for a proposed office building.

Community Development Director Rusty Ligon stated this request was withdrawn prior to the Planning and Appeals Board meeting.

Request from ACR Property Services, LLC to amend 105.51± acres consisting of Pods C, D, E, J and K of an existing Planned Unit Development (P-U-D) zoning having road frontage along Mundy Mill Road, Mountain View Road and Old Oakwood Road (a/k/a 0 Mundy Mill Road, 2975 Mountain View Road SW, and 3755 Meeks Drive SW). Ward Number: Four; Tax Parcel Number(s): 08-012-009-003 (part); 08-031-004-001 (part); 08-043-000-077; Request: Amend conditions 17 and 18 of Ordinance No. 2011-01 to allow Pod's J and K to have the same development standards for apartments as Pod's C, D and E.

Director of Community Development Rusty Ligon provided a brief overview of the request. The Planning and Appeals Board voted to approve the request with the following 30 conditions. He confirmed there were no immediate plans to start the project.

Transportation/Traffic

1. All road improvements associated within the scope of the proposed development shall be at the full expense of the developer(s). The scope of the development shall be defined as those roads/intersections directly within, adjacent to, and within 1,500 feet of the subject property as studied within the Traffic Impact Study (TIS) submitted with this application. These road improvements are to include additional signalization, turn lanes, widening of roads, striping, and signage as stated in the TIS. This may include all or portions of Mundy Mill Road, Meeks Road, Fairbanks Drive, Old Oakwood Road, Old Flowery Branch Road, and Mountain View Road. The cost of the required road improvements shall be prorated based on developed property values of the residential, commercial, retail, office and industrial properties.
2. The developer(s) shall work with the Georgia Department of Transportation, Hall County Traffic Engineering, the City of Oakwood, and the City of Gainesville Public Works Department to ensure that these improvements are performed in a timely manner so as to not conflict with any of the existing or planned road projects that are scheduled to take place outside the scope of the proposed development.
3. All sign locations, access point (new and existing) designations for new roads, sight distances, and sight triangles shall be reviewed and clarified, in the beginning stages of plans and submittals with GaDOT and the Public Works Director so as to limit the number of access points in that area.
4. A signal warrant study will be required for the major intersections of internal streets within the development. If a signal light is warranted at a specific intersection, such installation shall be completed at the expense of the developer(s) and shall meet all specifications as determined by the Public Works Department. A signal light shall not be installed until traffic volumes actually meet the levels as determined by the warrant study.
5. The developer(s) shall meet with Public Works prior to initiating the final civil design to discuss a traffic calming plan. A traffic calming plan consisting of tools such as landscaped traffic circles at intersections, raised crosswalks, landscaped center medians, chicanes, or other measures that aid in keeping the average speed on residential streets approximately 25 mph or below shall be prepared and approved by Public Works. Specific measures in the approved plan shall be constructed at the same time the streets are constructed.
6. All roads dedicated to the City of Gainesville shall meet City specifications, and all private roads shall be constructed with materials that meet City specifications.
7. All interpretations relating to transportation and/or traffic improvement conditions shall be subject to approval of the Gainesville Public Works Director.
8. The new four lane parkway as reflected on the site plan shall be constructed and designed so as to allow a connection to the Tumbling Creek Connector across Old Oakwood Road.

Development Standards

9. Sidewalks shall be required along both sides of the streets within the development and shall be a minimum of four feet (4') wide along streets classified as residential streets and six feet (6') wide along collector streets and streets in the commercial zones. Alternatively, sidewalks shall be permitted along one side of the street in parkway areas at a minimum

width of eight feet (8') and a minimum of five feet (5') along roads classified as residential streets.

10. All proposed single-family lots within the development shall only be allowed to access new interior roads within the subdivision. Direct access shall not be allowed onto roads that existed prior to this development.
11. Access to all service areas adjacent to single-family detached homes, including dumpster pads, shall be limited to the hours of between 9:00 a.m. and 6:00 p.m., unless an emergency situation warrants access to these areas.
12. Upon completion of the development, no outside storage of any materials shall be allowed. No storage of hazardous chemicals, as listed in the Standard Fire Code, shall be permitted.
13. Outdoor lighting used in this development; be it for recreational, security or general purposes, shall be of non-spill design and placed in a manner so as to minimize direct visibility by adjoining or adjacent properties.
14. The proposed residential, office, commercial, and accessory structures shall be similar in scale and architecture to the elevation drawings and pictures as submitted with the application.
15. The subject property shall be developed substantially in accordance with the site plan with minor engineering deviations excepted. All site plan, architectural renderings, pedestrian/trail access plan, and traffic impact studies shall become a part of the annexation, zoning and rezoning ordinances.
16. The number of single-family detached homes shall not exceed 1,148 units and shall contain a minimum of 1,500 square feet of heated space. Front facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The remaining three facades shall consist of these materials or cementeous siding such as hardiplank. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line and minimum lot width at right-of-way line of 20 feet, with the exception of Pod M of the concept plan which shall have a minimum lot width at the building setback line reduced to 50-feet.
Pod L of the concept plan dated 10/06/04 shall be the highest-end product proposed by the developer and shall contain a minimum of 1,800 square feet of heated space. Single-family lots shall be no less than 6,000 square feet in size, with 60 feet of lot width at the building setback line, and minimum lot width at right-of-way line of 20 feet. Front and side facades shall consist of masonry, stacked stone, cedar shake or stucco, architectural accents excluded. The rear facade may consist of these materials or cementeous siding such as hardiplank.

Each home within all single-family residential detached pods will have an attached garage for at least two cars. The front yard of each lot shall be sodded and planted with at least one hardwood tree. Monument signage shall be used for the entrance to any detached single-family residential pod as per the attached site plan, and each entrance shall have plantings or other architectural accents.

17. The number of attached single-family condominiums, fee simple townhomes or apartments shall not exceed 1,235 total units to include a total of 775 units for

Pod's C, D and E and 460 units for Pod's J and K. The minimum unit/lot width for each condominium or fee simple townhome unit shall be 16 feet, and each unit shall contain a minimum of 1,200 feet of heated space. Building separations shall be as reflected on the site plan, and private drives built to City specs will be used within these communities. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. No fewer than three or more than ten condominium or fee simple townhome units shall exist within one continuous structure, and front facades will be staggered. All single-family condominiums shall contain one car garages. Monument signage shall be used for the entrance to any attached single-family residential pod as per the sign plan.

18. The height of an apartment building shall not exceed three stories, although $\frac{3}{4}$ splits will be allowed. Each apartment unit will contain a minimum of 650 square feet for Pod's C, D, E, J and K. Each unit shall have at least 1.75 parking spaces. Front, side and rear facades shall consist of masonry, stacked stone, cedar shake, stucco, cementeous siding or a mixture thereof. No vinyl siding shall be allowed excluding soffit areas. Minimum building separations shall be as depicted on the site plan. Signage shall be as per the attached sign plan.
19. The subject property may be developed for up to 806,000 square feet of traditional office, mid-rise office, and office warehouse space. Within the 806,000 square foot maximum, commercial and retail uses may be allowed within Pods B and N. At no such time shall the maximum allowed square footage within those pods exceed what is specified on the approved concept plan. This space may be developed for these uses but sold in a condominium format. Height of such structures shall be limited to 3 stories from average finished grade. Parking spaces will be provided at a minimum ratio of 3.5 spaces per 1000 square feet of useable office space. Monument signage shall be required in any office pod as per Exhibit B, and lights shall be shielded and angled so as to minimize glare onto adjacent properties. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required.
20. The subject property may be developed for up to 885,000 square feet of commercial/retail space. The maximum height of any structure, excluding architectural accents; such as clocks, cupolas and bell towers; shall be 50 feet. Use of pitched roofs shall be encouraged. Minimum setbacks shall be as per the site plan, but there shall be no minimum lot, lot width or lot frontage required. Parking shall be provided at a minimum of four spaces per 1,000 square feet of space. Lights shall be shielded and angled so as to minimize glare onto adjacent properties, and dumpsters shall be screened. Under no circumstances shall the following uses be allowed: Pawn shops, adult entertainment, adult bookstores, extended-stay hotel, rooming house, or boarding house. Signage shall be as per the attached sign plan.
21. Architectural treatment shall be of consistent design throughout the community and as per the renderings.

22. A minimum of 100 acres shall be maintained as green space, with passive recreation and trails as per the plan. Sidewalks shall connect the residential and non-residential components of this community.
23. A Mandatory Property Owners Association will be created for the single-family detached community to insure that these conditions are observed during development and in terms of architectural consistency thereafter. Separate mandatory associations will be set up for the single-family detached and single-family attached products to own and manage open space, common areas, and architectural controls. Open space elsewhere in the project shall be maintained as common area by the overall Property Owner's Association, or by a separate Association within whose boundaries the common area is located. Maintenance of the amenities package set forth on the site plan shall be the responsibility of the owners of single-family detached homes. However, at the option of those residents, memberships may be extended to other Mundy Mill residents for a fee to cover maintenance. Amenities packages also may be established in the individual townhome or apartment pods, but shall be the responsibility of the owners of land therein.

Buffers

24. A 100 foot wide buffer shall be provided against Balus Creek and all other blue-line streams. The first 50 feet of the buffer shall be measured from the top of the creek bank and shall be undisturbed. The remaining 50 feet of the buffer, if disturbed, shall be stabilized and replanted with vegetation subject to Planning Department approval.
25. A 25 foot minimum perimeter buffer will be created and infilled as necessary with plant material. However, this buffer will not be required along any Mundy Mill Road frontages. Landscaped buffers of at least 25 feet are also required along any road frontages.
26. Landscaped buffers of at least 25 feet also shall separate any non-residential pod or existing non-residential use from a residential pod. The buffer shall be subject to Planning Department approval.
27. All proposed detention ponds shall be sufficiently fenced and buffered from view from all roads and adjacent properties. All buffer materials shall be approved by the Planning Department.

Gainesville City Board of Education

28. As agreed to by the owner/developer, the 17.0 acre tract of land identified on the plat/site plan attached as Exhibit A shall be reserved for use as an elementary school site. At that time (or earlier at the owner/developer's discretion), and presupposing the School Board still wants the property for an elementary school, the owner/developer shall promptly convey to it, without charge. In the event the School Board does not secure a building permit and begin construction of an

elementary school before December 31, 2012, then the developer shall retain all rights to develop of the entire 17.0 acres tract as per the original terms of zoning approval except for this condition, and the School Board shall promptly convey marketable title to the property back to the owner/developer at no charge. Additionally, if no elementary school is actually constructed on this site by December 31, 2013, then the School Board shall return marketable title to the property to the developer without charge. The conveyance documents executed by the owner/developer to the School Board will contain these terms and requirements. This agreement to reserve the 17.0 acres tract shall not prohibit the owner/developer from including it in any plat it may prepare for its development of a single-family residential pod and also will allow the owner/developer to put on it any necessary utility or other storm water easements which may be required for the development as a whole, provided such improvements do not materially affect the Board's ability to use the site for a school. This agreement also shall not prohibit the owner/developer from earlier transferring the 17.0 acres site to the City to be held for the School Board, subject to the requirements of this paragraph. Finally, but for utility/drainage easements or right-of-way dedicated as part of the road system in or along the frontages of the Mundy Mill development, the owner/developer shall not be required to dedicate or give to the City of Gainesville any additional property incidental to this development. However, if the School Board fails to acquire this property, then the owner/developer shall convey three acres of land to the City for a public safety use.

Notwithstanding any of the foregoing, if at such time as the School Board has acquired the 17.0 acres site and is ready to begin feasibility assessments, and if the State Board of Education should determine that the site is not then suitable for use as a school under the applicable state standards, then the Board of Education may sell the 17.0 acres tract and retain the proceeds for use in purchasing an alternative site. Provided, however, that once an arms length transaction for a fair market value purchase of the site has been secured by the School Board, the owner/developer shall have a right of first refusal to repurchase the tract at the exact same purchase price. Provided further, that the proceeds from such sale must be expended on a new school site within 60 days of closing, otherwise it shall be remitted instanter to the owner/developer.

The City notes that this condition may be imposed only because the owner/developer has agreed to it.

Quality Enhancement

29. In order to further enhance and assure the quality of development, the City expects the developer shall perform/provide the following:
- Detailed landscape plan for parkway, subject to approval by the Department of Planning and Development.
 - Reconstruction of Mundy Mill as focal point for community, subject to approval of the Georgia Department of Transportation.
 - A minimum of two amenity locations shall be provided for the entire development of the detached single-family residential pods. At minimum the amenity sites shall include a pool house, swimming pool and playground.
 - Sidewalks and streetlights throughout community.

- All products within the development shall contain exterior construction materials limitation; must use brick, masonry stucco, stacked stone, cedar shake, or hardiplank.
- Open space - 18%.
- Pedestrian trail plan (3.5± miles) connecting entire community.
- Parkway plan sidewalk width sufficient to create a bicycle lane.
- Every single-family home built on the subject property shall contain ceramic tiled bathroom floors.
- Every single-family home shall be built to accommodate at least one fireplace.
- No vinyl siding on any product within development excluding soffit areas.
- Each pod of townhouses and apartments will have its own amenities package.
- All underground utilities.
- Uniform mailboxes will be provided for each detached single-family residential pod.
- Uniform street signs will be provided throughout the development.

30. Along Balus Creek, the developer shall reserve for the City, by way of easement, a ten foot strip of land for use as a bicycle path. At such time as the City or County constructs an element of its bike path system to which this easement might connect, the City and/or County, at its/their expense, may pave this strip. No development shall occur on the property which would interfere with the eventual construction of this path by the appropriate governmental entity, except for the boulevard which will cross the creek.

City Attorney Palmour opened the floor for comments.

FAVOR:

Steve Gilliam, 301 Green Street, stated this request was designed to make the five pods consistent. He was available to answer questions.

City Attorney Palmour opened the floor for comments. There being none, the hearing was closed and the matter was returned to Council for a decision.

Motion to hold first reading on Ordinance 2011-14 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY AMENDING CONDITIONS 17 and 18 OF THE EXISTING PLANNED UNIT DEVELOPMENT ZONING AS CONTAINED IN ORDINANCE NO. 2011-01 ON A 105.51± ACRES PORTION OF THE 605± ACRES MUNDY MILL DEVELOPMENT CONSISTING OF POD'S C, D, E, J and K HAVING ROAD FRONTAGE ALONG MILLSIDE PARKWAY, MOUNTAIN VIEW ROAD AND OLD OAKWOOD ROAD; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Amendment to the Zoning Map)

Motion made by Council Member Wangemann
Motion seconded by Council Member Dunagan
Vote – 5 favor

Redistricting Hearing:

Proposed Home Rule Ordinance: Amendment to Ward Boundaries

City Attorney Palmour reviewed the public hearing process and confirmed the item was properly advertised.

City Clerk Denise Jordan stated discussions regarding the redistricting project began in July and several meetings had been held since then. The last discussion occurred during the August 16th Council Meeting at which time Council asked the Project Team to evaluate proposals 3 and 4. The assignment was completed and a written report was distributed to Council and the Board of Education stating the facts about each proposal. The report along with a recommendation from Attorney Drew Whalen and voter registration information was included for Council's review and available for public inspection.

Mayor Bruner stated proposals 2 and 3 were being considered noting the PROP4 map was eliminated because incumbents were drawn outside their districts. She stated a decision between the two maps was necessary at tonight's meeting.

Upon request from the Mayor, Mrs. Jordan used a power point to display the existing map as well as the PROP2RE and PROP3 maps.

Upon request from Council Member Figueras, Mrs. Jordan read the Executive Summary as provided by Attorney Whalen which stated:

"Of the alternative redistricting plans considered, Plan2RE best serves the interest of the City of Gainesville as a whole. It achieves a lower total deviation than Plan 3. It best balances the Black Voting Age Population (VAP) and the Hispanic Voting Age Population in District 3, offering both minorities their best opportunity to elect a candidate of choice for the district. Further, Plan 2RE affords the City greater opportunity for residential growth in its districts 4 & 5 so as to prevent the need for costly redistricting over the next decade."

As a point of clarification, Mrs. Jordan stated the Executive Summary should reference districts 3 & 4 will have greater opportunity for residential growth instead of 4 & 5 per the Community Development Project Team Member.

City Attorney Palmour opened the floor for comments.

FAVOR:

Berlinda Lipscomb, 518 Fair Street, thanked the Council for all the meetings to review the maps. She objected to the PROP3 map because it was her first time seeing it. She stated she had continuously asked the Board of Education to see their map but was not afforded that opportunity.

There were no other comments from the floor.

DISCUSSION:

Mayor Bruner stated she spoke with Attorney Whalen and he confirmed both the PROP2RE and the PROP3 map met the criteria for the Justice Department.

Council Member Wangemann stated he also inquired and received confirmation from Attorney Whalen stating either map would pass preclearance by the Justice Department.

Council Member Dunagan stated this was true but, as stated in the Executive Summary, PROP2RE best addresses the needs of the City and reduces the possibility of costly

redistricting. PROP3's boundaries are too close to the deviations and PROP3 dilutes the black voting strength in Ward 3.

Motion to adopt the PROP2RE map and move forward with the Home Rule Ordinance.

Motion made by Council Member Dunagan

Motion seconded by Council Member Figueras

Vote - 2 favor, 3 oppose (Bruner, Hamrick, Wangemann)

Council Member Wangemann explained why he changed his mind about voting for PROP2RE noting he initially felt it was the best proposal. The Board of Education created another map, PROP3, which they liked better. He attended a Board of Education meeting during which they were insistent on PROP3 being the map they would accept. He didn't want to have different maps for each elected body and wanted to avoid confusion among the voters. Mr. Wangemann stated his main concern was one man one vote and felt this was intact for both proposals. If the Board of Education doesn't accept PROP2RE, this would be confusing to the voter and could be more costly. He felt the community solution was to unite the choice of the Council and the Board of Education.

Motion to accept PROP3 map.

Motion made by Council Member Wangemann

Motion seconded by Council Member Hamrick

DISCUSSION:

Mayor Bruner stated she felt the PROP3 map kept the neighborhoods intact and made the map more cohesive. It also created the opportunity to use one map for both elected bodies.

Council Member Hamrick stated he felt PROP2RE fragments the City and would cause confusion among the citizens. Based upon his review, his opponent would be placed in Ward 3 if PROP2RE was adopted. He felt the boundaries drawn in PROP3 served the purpose of the City better.

Council Member Figueras stated the 2000 Census as applied to the 2003 map did not create a majority-minority district. However, Ward 3 was the closest to creating a majority-minority black district. The only protected group in 2003 was black voters. There was an update to the law in 2006 that provided protection for language minorities. Blacks live all over the city. Hispanics are evolving. Ms. Figueras felt the underlying issue was voting. She stated PROP2RE had a lower deviation. Ward 4 grew and we are required to make sure the citizens are absorbed in other Wards. She attended at least 7 meetings on this subject and wondered what was meant by the term "Communities of Interest" as used by the Board of Education. Council has spent over \$7,000 for an attorney that specializes in redistricting. Staff has worked diligently to review the information. She believed in staff. The Executive Summary says PROP2RE affords the city with greater opportunity for residential growth and prevents the need for costly redistricting over the next decade.

Mayor Bruner stated she had read the report several times and talked with Mr. Whalen. She felt PROP3 kept the neighbors together more cohesively and serves the citizens of the city better.

Council Member Dunagan recalled seeing the PROP2RE map the first time and asking for something better. Council was told the map couldn't be any better. PROP3 was proposed and

the attorney originally said he didn't think it would pass the Department of Justice (DOJ). If it is adopted and doesn't get approved by DOJ, the legislators will draw the City's Ward boundary map. We have spent money and time to develop the best map. PROP2RE is the best. Now we're being dictated to by the Board of Education.

Vote - 3 favor, 2 oppose (Dunagan, Figueras)

COUNCIL'S ISSUES:

Council Member Wangemann

1. Shared information about an upcoming Community Cleanup at Longwood Cove.
2. Delivered 450 invitations for today's meeting.

Council Member Figueras

1. Commented on the Fair Street-Butler Reunion at Lake Lanier Island.
2. Commented on the first annual Jazz Festival at the Fair Street Neighborhood Center.

Mayor Bruner

Upon request of Mayor Bruner, Fire Chief Canada shared information regarding a memorial service to be held on Saturday, September 10th in memory of those that lost their lives on September 11th.

CITY CLERK ISSUES:

Municipal Election

City Clerk Denise Jordan confirmed Council Member Hamrick's opponent in the 2011 election remains in Ward 2 under the PROP2RE redistricting map.

ADJOURNMENT: 6:43 PM

DJ/ag

Ruth H. Bruner, Mayor

Denise O. Jordan, City Clerk